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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 19829 of 2004

Between:

Kolasani Subba Rao S/o Tirupathi Rayudu, aged 54 years,
R/o Annaparru, Pedanandipadu Mandal, Guntur, Guntur District

..... PETITIONER

AND

1 The Commissioner Endowments Department, Tilak Road, Hyderabad
2 The Deputy Commissioner of Endowments, Hindu Religious Charitable

Endowments Department Kothapeta Guntur
3 Assistant Commissioner of Endowments Kotahpeta, Guntur
4 The chairman Sri Kanyakaparameswari Ammaveri Temple,

Vykuntapuram Village, R. Agraharam, Guntur District
5 The Executive Officer, Sri Venkateswara Swami Temple,

Vykuntapuram Village, Amaravathi M Guntur district
6 Executive Officer, Govada Group Temples, Govada Village

Govada Mandal, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of Respondents in not implementing the proceedings in D.Dis No. C1/7320/2002 dt 30-04-2002 as illegal and violative of articles 14 and 21 of Constitution of India and consequently direct the respondents to fix the pay of petitioner on par with other employees of similar cadre by revising his pay as per pay revision scales of 1999 and also direct the respondents to pay all the consequential benefits there of to the petitioner.

Counsel for the Petitioner: MR.J.VENUGOPAL RAO

Counsel for the Respondent Nos.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondent Nos.4 to 6: Mrs.M.INDRANI,SC FOR EDOMENTS TEMPLES

The Court made the following:

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ORDER:

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The petitioner is working as a Watchman in the 5th respondent Temple. Previously he worked in the 4th respondent temple. He received proceedings of transfer to the 6th respondent temple.

2. The learned counsel for the petitioner represents that the petitioner is so far not relieved from the 5th respondent temple. The petitioner is contending that he is entitled for the benefits of 1999 Pay Revision Scales. He made several representations, but his scale of pay was not fixed. On 30.04.2002 a direction was issued from the office of the Commissioner, Endowments Department, Hyderabad to the 4th respondent, permitting the Chairman of the 4th respondent temple to fix the pay of the petitioner on par with the other employees of the Devasthanam, and arrange payment of arrears and report compliance.

3. The grievance of the petitioner is that subsequent to the receipt of the said communication, the 4th respondent did not revise his scale of pay, without assigning any reason. He made representations and also a legal notice to the 2nd respondent on 05.03.2004, but in vain. He, therefore, approached this Court, through this writ petition, seeking a direction to the respondents to fix his scale of pay, on par with the other employees of similar cadre, by revising the same as per 1999 Pay Revision Scales, and direct them to extend all consequential benefits with arrears.

4. There is a specific direction from the 1st respondent to the 4th respondent to fix the scale of pay of the petitioner as per 1999 Pay Revision Scales, but the 4th respondent did not implement the same. Subsequently, on 06.12.2002 the petitioner was transferred to the 5th respondent temple. The 5th respondent also did not fix the scale of pay of the petitioner. Now he is likely to be relieved at any moment from the

5th respondent temple, and he would join the 6th respondent temple.

5. If the petitioner is eligible for getting the benefits of 1999 Pay Revision Scales, it is unjust on the part of the respondents, in not extending the said benefits for all these years.

6. In the light of the above circumstances, the

2nd respondent is directed to verify whether the respondents

4 and 5 implemented the direction of the 1st respondent dated 30.04.2002, if not, issue necessary instructions to the respondents 4 to 6 to examine the case of the petitioner, whether he is entitled for 1999 Pay Revision Scales, and if he comes within the purview of 1999 Pay Revision Scales, to fix the 1999 Pay Revision Scale to the petitioner forthwith, and to report compliance to this Court, within 4 (four) weeks from the date of receipt of a copy of this order.

7. The Writ Petition is, accordingly, disposed of. Post the matter after four weeks for reporting compliance.

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner of Endowments Department,

Tilak Road, Hyderabad

2. The Deputy Commissioner of Endowments,

Hindu Religious Charitable Endowments Department

Kothapeta, Guntur – 522 001

3. The Assistant Commissioner of Endowments,

Kothapeta, Guntur – 522 001

4. The Chairman,

Sri Kanyakaparameswari Ammavari Temple,

Vykuntapuram village, R.Agraharam, Guntur District

5. The Executive Officer,

Sri Venkateswara Swami Temple,

Vykuntapuram village, Amaravathi M.Guntur,

Guntur District

6. The Executive Officer, Govada Group Temples,

Govada Village, Govada Mandal, Guntur District

7. Two CCs to the Government Pleader for Endowments,

High Court Buildings, Hyderabad (OUT)

8. The Section Officer, W.F.Section, High Court of A.P.

Hyderabad

9. The Section Officer, Posting Section, High Court of A.P.

Hyderabad

10. Two CD copies.